

THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.7500 OF 2006

Date: 02-05-2006

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Between:

Ranga Bhaskar Goud ...Petitioner

And

The Commissioner of Police and another ...Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.7500 OF 2006

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O R D E R (Per the Hon'ble Sri Goda Raghuram, J):

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This is a writ of *Habeas Corpus* seeking production of the petitioner's wife, Smt R.Suguna, allegedly kidnapped by Mohd. Abdul Azad, Chary and Kavitha. The petitioner made a complaint to the second respondent on 06-04-2006 complaining that on 05-04-2006 around 12.00 noon during his absence, his wife, Smt Suguna, left the house without intimation and he is not aware of where she has gone. In the writ petition, however, petitioner alleges that Mohd. Abdul Azad, Chary and Kavitha, his neighbours, have kidnapped his wife and he apprehends danger to her at their hands. His grievance is that the police have not taken any steps to trace her.

Smt Suguna, the alleged detainee, has filed an application, W.P.M.P.No.12171 of 2006, seeking her impleadment as the third respondent in the writ petition. In the accompanying affidavit she states that her marriage with the petitioner took place on 15-05-2002 and on several occasions, her husband doubted her character and was harassing her and therefore, as the relations were strained, the elders of both the families decided upon divorce as an option and accordingly they "took mutual divorce" by undergoing a customary ceremony on 18-04-2004. She states that as the petitioner was harassing her even thereafter, she vacated the house on 05-04-2006 but the petitioner, *mala fide*, has filed the writ petition to trace her out though he knew that she has left on her own free will and volition after obtaining a mutual divorce. She is also present in the Court and she has been examined. In her statement, she states that she left the petitioner's company on 05-04-2006 out of her own free will and volition and is safe and does not wish to join the company of the petitioner.

On behalf of the official respondents, the second respondent has filed a counter-affidavit stating that on the basis of the petitioner's complaint, a case in Crime No.133 of 2006 under the head 'Woman Missing' was registered and that the matter is under investigation and that the whereabouts of the alleged detainee are not yet known.

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In view of the developments subsequent to the counter-affidavit of the official respondents, in view of the affidavit filed by the third respondent, Smt R.Suguna, and in view of her statement made in the Court today, we do not find any merits in the writ petition, which is accordingly dismissed.

(Goda Raghuram, J)

Dated 2nd May, 2006

(M.Venkateswara Reddy, J)

vrn/ghn